

PLANNING COMMISSION REPORT



MEETING DATE: April 27, 2005

ITEM NO. _____ GOAL: Coordinate Planning to Balance Infrastructure

SUBJECT

GLO Abandonment on 12009 E Ironwood - 3-AB-2005

REQUEST

Request to consider the following:

1. Abandon the 33 foot wide GLO Easement along the southern property boundary.
2. Abandon 3 feet of GLO easement along the western property boundary, full property frontage.



OWNER/APPLICANT
CONTACT

Brent Langbehn
480-225-4040

LOCATION

12009 E Ironwood Dr

BACKGROUND

Background.

The subject 33 feet GLO patent roadway and public utility easements were dedicated on the original GLO patent deed in 1954. The GLO easement is located along the southern property boundary and the western property boundary within the 120th Street alignment.

General Land Office Patent Easements (general information).

- Within the City of Scottsdale there are General Land Office (GLO) lots or parcels of various sizes created by the Federal Small Tract Act. This act was passed in 1938 and repealed in 1976.
- Most GLO lots were patented with 33 feet (or sometimes 50 feet) roadway and public utility easements typically "as near as practicable to the exterior boundaries".
- The city has viewed these patent roadway and utility easements as assured access at least until a local circulation plan is established.
- As GLO lots come in for development (i.e. lot splits, subdivisions or requesting building permits) staff requires city right-of-way dedications per our circulation plans. The city's transportation plan establishes a street system to replace the grid pattern created by the GLO easements.
- Any patent easements in excess of the current requirements to the circulation plans (including trails), roadway standards, and not required to insure access to any other lot, may be requested to be abandoned.
- On 1981, City Ordinance 1386 was adopted delegating the authority for the release of GLO easements to the Engineering Services Director.
- On March 2, 1999, the City Council repealed Ordinance 1386 and adopted Ordinance 3219 which requires the abandonment of the GLO patent

roadway easements to go through the same public hearing process currently used for all right-of-ways, alleys, and roadway easements. The City Attorney's office has concluded that this process for consideration of GLO roadway abandonment satisfies legal requirements.

- On March 1, 2005, outside council gave a presentation to the City Council regarding GLO federal patent easements. The outside council confirmed that GLO patent easements are no different than any other right-of-way, and any easement owned by the City and can be abandoned. The council members expressed confidence in the existing policy of evaluating each situation on a case-by-case basis.

The subject GLO roadway easements were reserved on the original patent deed to assure legal access. Currently the 33 feet GLO easements are unimproved along the southern property boundary, and there is 30 feet of improvement within the 120th Street alignment.

Zoning.

The site is zoned R1-43, Single Family Residential zoning district.

Context.

This lot is not located within a subdivision and is described by metes and bounds and fronted along 120th street. The surrounding property is also zoned R1-43. There have been several abandonment requests for GLO easements in this area.

APPLICANT'S
PROPOSAL

Goal/Purpose of Request.

This request is to abandon the entire 33 feet of GLO roadway and public utility easement along the southern boundary, and a 3-foot wide portion of the easement along the western property frontage (120th Street). The existing GLO easements serve no purpose for access and there are no public utilities within the easements.

Community Impact.

The surrounding properties all have existing access. There is no significant impact with the abandonment request. Walls, structures, and buildings historically exist within, over, and around the GLO easements in this area.

IMPACT ANALYSIS

Departmental Responses:

City Department/Division participants concur with this abandonment request.

Community Involvement:

The City installed signage at the roadway alignments alerting neighbors in the area of the request. Staff has received no input from the public regarding this request.

STAFF
RECOMMENDATION

Recommended Approach:

Staff recommends approval.

RESPONSIBLE DEPT
(S)


Planning and Development Services Department

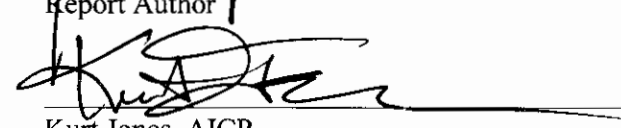
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Scottsdale Planning Commission Report

3-AB-2005

APPROVED BY



Greg Williams
Report Author

Kurt Jones, AICP
Director, Current Planning

ATTACHMENTS

1. Departmental Checklist
2. Context Aerial
3. Detail Aerial
4. Right-of-Way and Easements
5. Area Trails Plan
6. GLO Easement Abandonments 1999-2004
7. Abandonment Area
8. City Notification Map

CASE 3-AB-2005

Department Issues Checklist

Transportation

☒ Support

Trails

☒ Support

Adjacent Property Owner Notification

☒ No input from the public received

Public Utilities

☒ Support

Emergency/Municipal Services

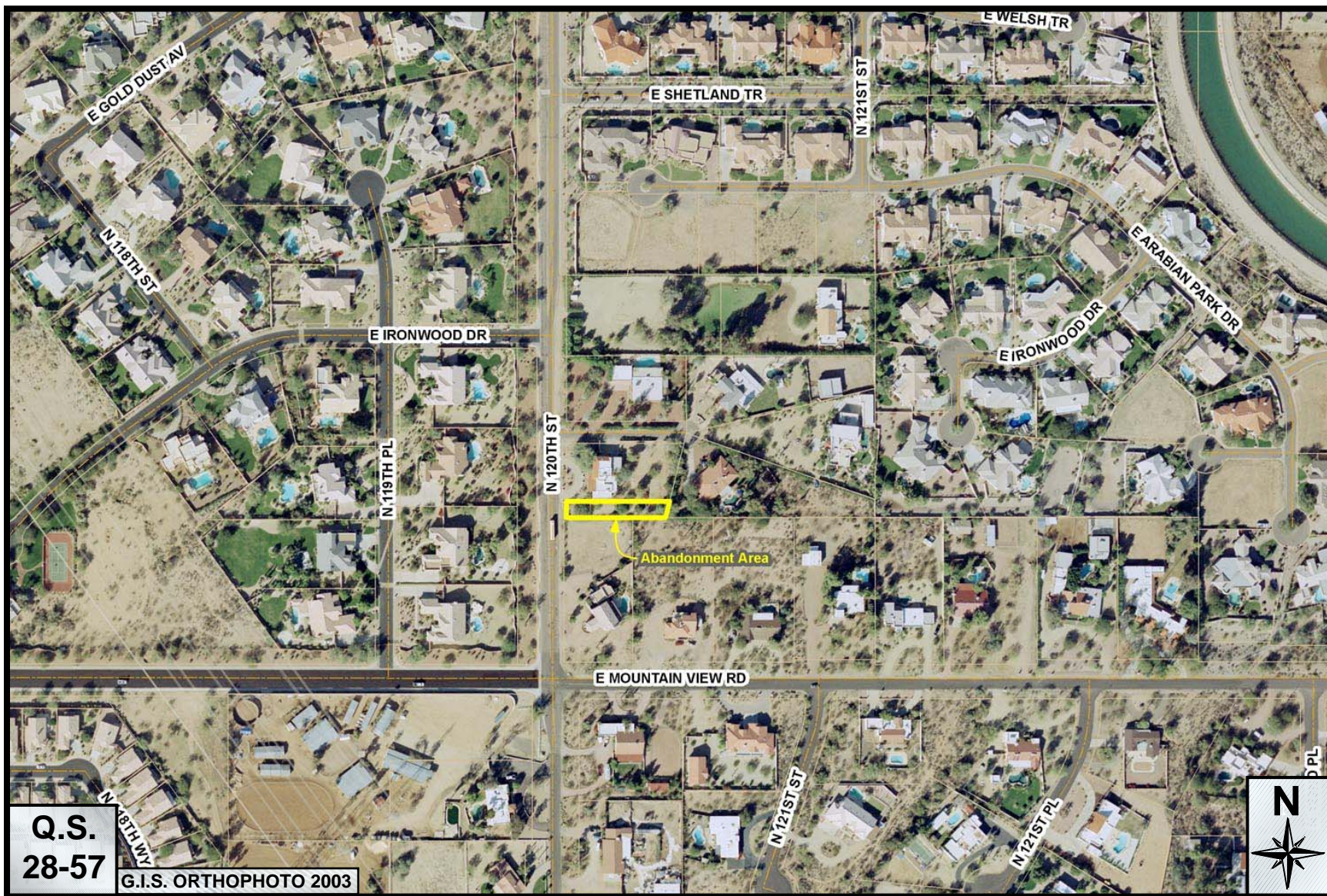
☒ Support

Water/Sewer Services

☒ Support

Drainage

☒ Support



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ATTACHMENT #2



Q.S.
28-57

G.I.S. ORTHOPHOTO 2003

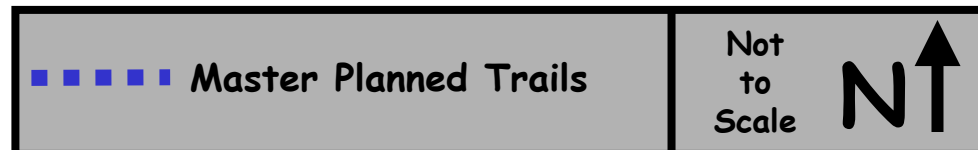
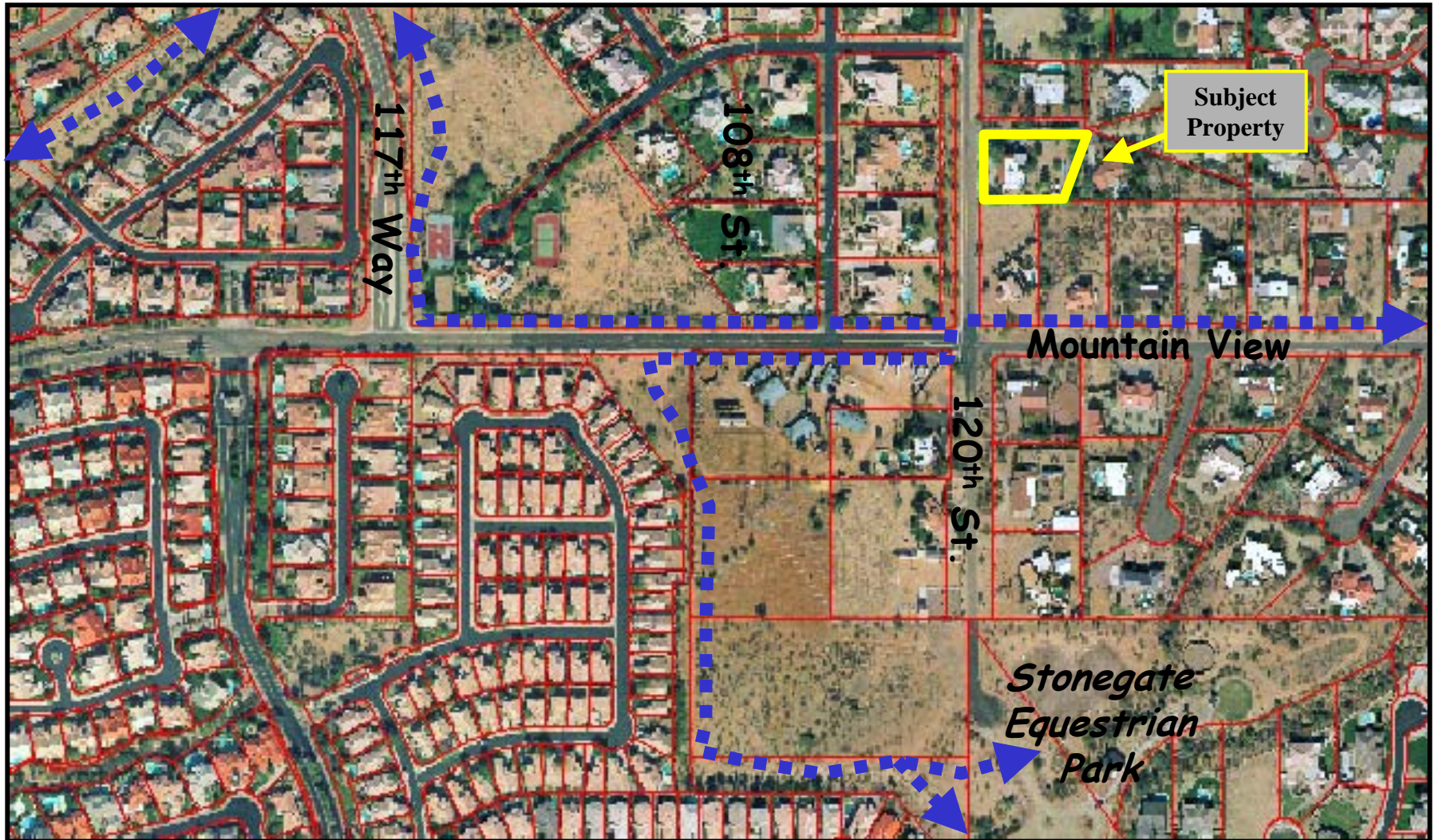
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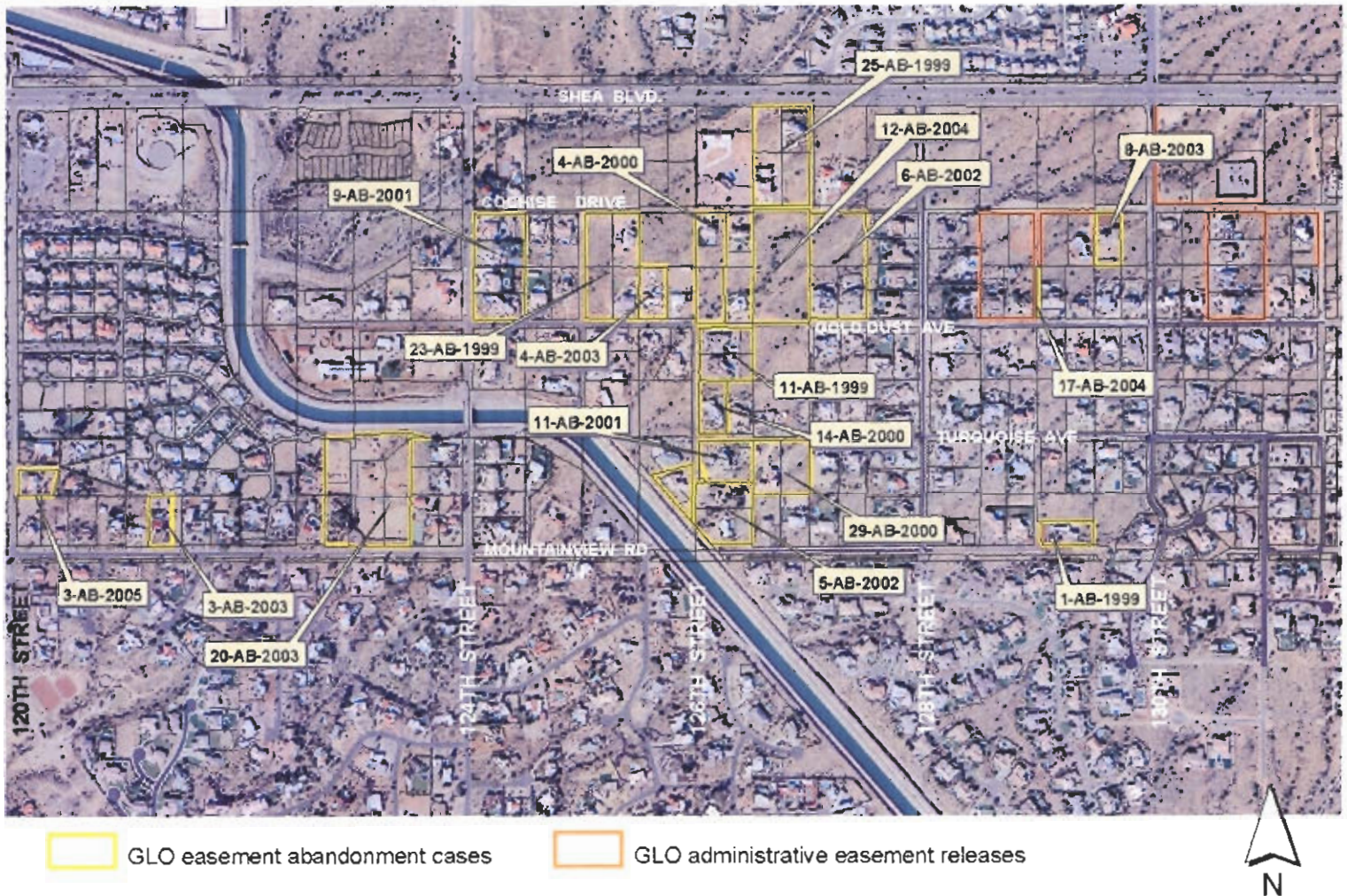
ATTACHMENT #2A

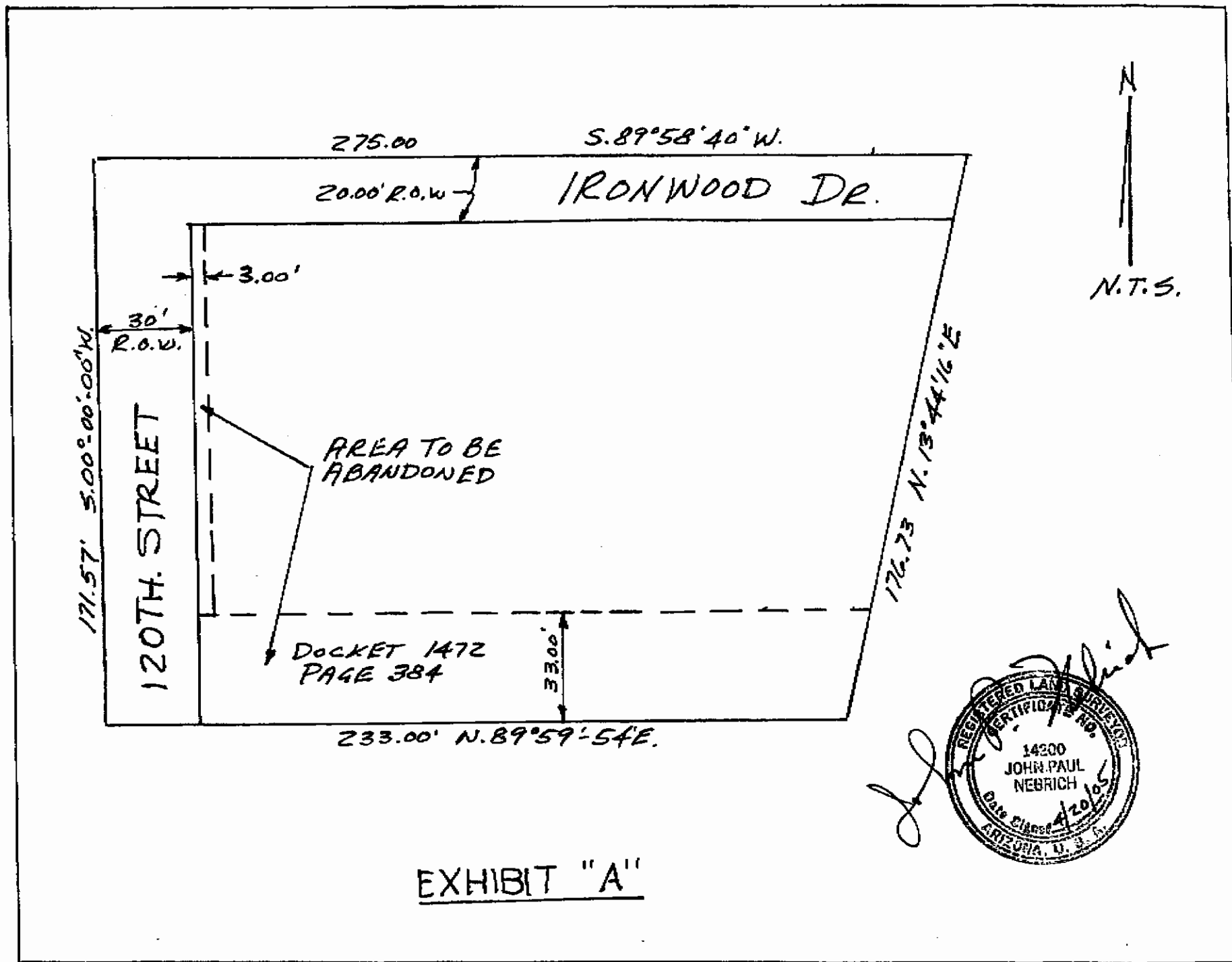
Easements & Right-of-Way

Master Planned Trails - 120th and Mountain View

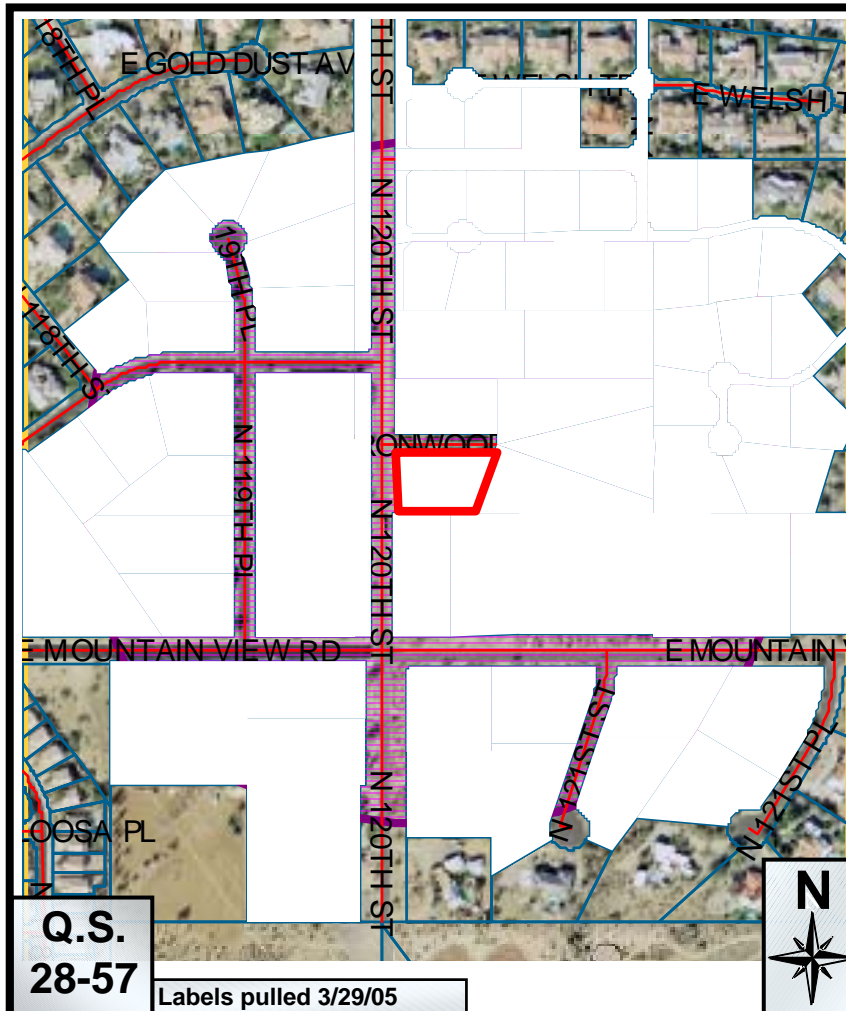


GLO Easement Abandonments 1999-2004





City Notifications – Mailing List Selection Map



Map Legend:



Site Boundary



Properties within 750-feet

Additional Notifications:

- Interested Parties
- Neighbors South of Shea
- NESPOA

**GLO Abandonment on 12009 E
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ATTACHMENT #8